

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

V.

HUGO COLLAZOS-MUNOZ.

Defendant.

NOS. CR-00-054-RHW
CR-00-058-RHW
CR-00-105-RHW
CV-11-172-RHW
CV-11-173-RHW
CV-11-174-RHW

ORDER DISMISSING MOTION FOR LEAVE TO FILE SECOND OR SUCCESSIONAL PETITION

Before the Court is Defendant's Motion for Leave to File a Second or Successive Petition Pursuant to 28 U.S.C. § 2255.

Defendant asks permission to file a second or successive Petition for Writ of Habeas Corpus, based on newly discovered evidence. Pursuant to 28 U.S.C. § 2255(h), a second or successive motion must be certified by the Ninth Circuit Court of Appeals. This Court does not have jurisdiction to hear Defendant's Motion without permission from the Ninth Circuit Court of Appeals. *See Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam).

Accordingly, IT IS HEREBY ORDERED:

1. Defendant's Motion for Leave to File a Second or Successive Petition

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**ORDER DISMISSING MOTION FOR LEAVE TO FILE SECOND OR
SUCCESSIONAL PETITION~1**

1 Pursuant to 28 U.S.C. § 2255 (ECF Nos. 255, 254, 230) is **dismissed**.

2 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter
3 this Order and to furnish copies to counsel.

4 **DATED** this 3rd day of May, 2011.

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6 *s/Robert H. Whaley*

7 ROBERT H. WHALEY
8 United States District Judge

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**ORDER DISMISSING MOTION FOR LEAVE TO FILE SECOND OR
SUCCESSIVE PETITION~2**